

REMARKS

Applicant thanks the Examiner for review of the present application.

The Office Action rejects all of pending Claims 1, 5-24, and 26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0037312 to Gray et al. (“the Gray publication”).

Applicant has cancelled all of pending Claims 1, 5-24 and 26. Applicant has added new Claims 27-52. Applicant submits that the newly added pending Claims 27-52 are all supported by the express disclosure and figures of the application as filed and are all patentable over the Gray publication, as explained below in response to the rejections of the Office Action in relation to the application of the Gray publication against prior pending Claims 1, 5-24 and 26. Accordingly, Applicant submits that the present amendments and supporting remarks overcome the rejections and place the application in condition for allowance.

Rejections under 35 U.S.C. § 102(e)

Claims 27, 38, and 48. Claims 27, 38, and 48 all positively and expressly recite that the mobile station or apparatus is configured to conduct a transaction directly with the merchant. By comparison, the Gray publication relies upon the wallet server 140 (and a security server), in addition to the user communication browser internet interface 110, to indirectly conduct virtual purchase transactions with an on-line merchant. *See, e.g.*, Abstract, Fig. 1. The claim rejection of the Office Action states “user equipment with mobile device that participant of transaction with merchant.” Applicant notes that this statement and the basis of the rejection indicates that the user equipment is only a “participant” of the transaction with the on-line merchant (merchant server 130), because the wallet server 140 is also involved with the user equipment to indirectly conduct virtual purchase transactions with an on-line merchant. Further, Applicant submits that the Gray publication does not anticipate a mobile device directly conducting virtual purchase transactions with an on-line merchant, without the wallet server 140.

Applicant notes that the newly proffered support and basis for the rejection states:

“securely update functionality as required for electronic transactions, such as purchase transactions and ability to modify parameters on line that is a feature of updating the transaction based on the information of transaction has changed or any updated on line between mobile device and merchant entity.”

With respect to this statement, Applicant submits that the rejection combines unrelated portions of the Gray publication. For example, “securely update functionality as required” is stated as for electronic transactions, but paragraph 0013 of the Gray publication relates only to communications between the wallet server, the merchant server, a third party processor, and/or a security processor of a credit provider. Nothing in the Gray publication relates to this disclosure in any way to the user equipment.

And nothing in the Gray publication explains what functionality of the communication between the wallet server, the merchant server, a third-party processor, and/or a security processor of a credit provider is updated. Similarly, the Gray publication includes the phrase "an ability to modify parameters on-line," but does not provide any further explanation regarding the application of this statement. In this regard, Applicant also notes that the statement of the Office Action *sua sponte* without any further support, rationale, or basis in fact presumes that the parameters that are able to be modified on-line relate to "the transaction based on the information of transaction has changed or any updated on line between mobile device and merchant entity." However, nothing in the Gray publication supports this presumption.

Nothing in the Gray publication explains that "an ability to modify parameters on-line" relates in any way changing or updating the configuration of user equipment to conduct the transaction. Rather, Applicant submits that the disclosure teaches away from such a conclusion, by instead teaching that the parameters are modified "on-line," such as at the wallet server or some other on-line portion of the transaction.

Nothing in the Gray publication supports a conclusion that "an ability to modify parameters on-line" relates in any way to changing or updating the configuration of user equipment.

Moreover, the Gray publication does not disclose and the rejections fail to identify elements in the Gray publication that correspond to the elements of the claimed invention as recited, including what element in the Gray publication corresponds with the mobile station or apparatus (the user equipment or the wallet server ?) and the management service provider (the third party processor, the security processor of a credit provider, or the wallet server ?). Further, the Gray publication does not disclose and the rejections fail to identify that those elements in the Gray publication that correspond to the elements of the claimed invention function in the same relationship as recited in the Claims 27, 38, and 48. For example, Applicant notes, specifically with respect to Claims 27, 38, and 48, that the Claims require that the control information used to update the mobile station or apparatus is received by the mobile station or apparatus *from the management service provider*, which is *independent* of the merchant. The merchant does *not* transmit the control information to the mobile station or apparatus. The Gray publication does not provide disclosure particularly sufficient to anticipate this specific limitation of Claims 27, 38, and 48.

For at least these reasons, Applicant submits that Claims 27, 38, and 48 and all of dependent Claims 28-37, 39-47, and 49-52 are patentable over the Gray publication.

Claims 28-37. Further with respect to dependent Claims 28-37, the Gray publication does not disclose the recited functions, routines, and other limitations. For this additional reason, Applicant submits that Claims 28-37 are patentable over the Gray publication.

Claims 39-47 and 49-52. Further with respect to dependent Claims 39-47 and 49-52, the Gray publication does not disclose the recited apparatus structures and other limitations. For this additional reason, Applicant submits that Claims 39-47 and 49-52 are patentable over the Gray publication.

Conclusion

In view of the remarks presented above, Applicants submit that all of the pending claims of the present application are in condition for allowance. Accordingly, allowance of the application is respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper, such as the fees for a request for an extension of time. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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